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April 9, 2014

VIA ELECTRONIC MAIL (Abrams NYSDChambers@nysd.uscourts.gov)

Hon. Ronnie Abrams
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, New York 10007

**Re: Gupta v. Headstrong, Inc. et al.
12 cv 6652 (RA)**

Dear Judge Abrams:

We represent Defendant Headstrong, Inc. ("Headstrong") in the above-referenced matter. We write in opposition to Plaintiff Arvind Gupta's ("Plaintiff") letter to the Court requesting leave to file a motion to obtain relief to reopen the case for a limited purpose to "obtain relief up to 1/23/2007" and accompanying proposed motion, purportedly under Federal Rule of Civil Procedure 60(b)(5), submitted March 31, 2014. Once again, Plaintiff seeks to harass Headstrong and waste judicial resources with his unnecessary and misguided efforts to file motions in this Court while the required, established administrative process applicable to his H-1B claims is ongoing.

Plaintiff purportedly seeks to "enforce" the Department of Labor, Wage and Hour Division's ("WHD") Determination Letter, issued March 13, 2014. As an initial matter, there is no judgment to enforce because Headstrong was not found to owe. Nonetheless, any objections, disagreements or dissatisfaction Plaintiff may have with respect to WHD's Determination Letter are the exclusive domain of the assigned Administrative Law Judge ("ALJ"). Indeed, ALJ Adele Odegard, in her Notice of Hearing and Pre-Hearing Order, dated April 4, 2014, has directed Headstrong to provide her with documents verifying its payment of wages owed to Plaintiff as set forth in the Determination Letter. These are the very documents that Plaintiff states that he intends to seek in connection with the proposed enforcement action seeks in his request for leave to file and accompanying proposed motion, and Headstrong will fully comply with the ALJ's directive. Thus, Plaintiff's instant request is not only harassing, but is also superfluous and unnecessary.



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Accordingly, Headstrong opposes Plaintiff's request for leave to file his motion, and respectfully requests that this Court deny such request.

Respectfully submitted,

JACKSON LEWIS P.C.

A handwritten signature in black ink, appearing to read "Dana G. Weisbrod".

Dana G. Weisbrod

cc: Arvind Gupta
Forrest G. Read IV, Esq.